

REMARKS

Claims 2-4, 6-8, and 10-20 are all the claims pending in the application.

Claims 1, 5, and 9 are canceled.

Claim 2 has been amended to delete formula (3).

Claim 10 has been amended to incorporate the structure of claimed formula (A). Support for the amendment of claim 10 can be found, for example, in the paragraph bridging pages 9 and 10 of the specification.

Claim 11 has been amended to replace formula (1) with formula (2). Support for the amendment of claim 11 can be found, for example, in the paragraph bridging pages 6 and 7, and in the first full paragraph on page 10 of the specification.

Claim 12 has been amended to be in independent form. Support for the amendment of claim 12 can be found, for example, in the paragraph bridging pages 7 and 8, and in the first full paragraph on page 10.

Entry of the above amendments is respectfully requested.

Claim Objections

The Examiner's Position

The Examiner has objected to dependent claims 12, 14, 16, 18 and 20, for allegedly failing to further limit the subject matter of a previous claim. Specifically, the Examiner's position is that formula (4) recited in claim 12, from which claims 14, 16, 18 and 20 depend, appears to be broader in scope than formula (1) of base claim 11.

Amendment under 37 C.F.R. § 1.111
USSN 10/060,153

Response

Applicant has rewritten claim 12 in independent form, as suggested by the Examiner.

Applicant respectfully submits that the objection has been overcome.

Claim Rejections –35 U.S.C. §112

The Examiner's Position

The Examiner has rejected claim 10 under 35 U.S.C. §112, second paragraph, for failing to contain the structure of claimed formula (A).

The Examiner has rejected claims 12, 14, 16, 18 and 20 under 35 U.S.C. §112, second paragraph, because it is unclear to the Examiner how claimed formula (4) of claim 12 is a representation of claimed formula (1) of claim 11, from which claim 12 presently depends.

Response

Claim 10 has been amended to recite the structure of formula (A).

Claim 12 has been amended to be written in independent form, thereby removing its dependency from claim 11.

Applicant respectfully submits that the §112 rejections have been overcome.

Therefore, as suggested by the Examiner, at least claims 12, 14, 16, 18 and 20 are believed to be in condition for allowance.

Claim Rejections –35 U.S.C. §103(a) over Dalzell et al in view of Donald et al

The Examiner's Position

The Examiner has rejected claims 1-2, 5-6 and 9-10 under 35 U.S.C. 103(a) as being allegedly unpatentable over Dalzell et al. (US 4307182 A) in view of Donald et al. (US 4168981 A).

Amendment under 37 C.F.R. § 1.111
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In summary, the Examiner's position is that Dalzell teaches a dye and a tetra(aliphatic)borate (a radical generator) for a light sensitive system (column 1, lines 7-9). The dye of example 52 of Dalzell (column 17) appears to fall within the scope of formula (3) as recited in claim 2. However, Dalzell does not teach the claimed polymerizable compound having an ethylenic unsaturated bond.

Response

Claims 1, 5, and 9 have been canceled, thereby reducing the issues.

Claim 2 has been amended to delete general formula (3). Claim 11 has also been amended to recite general formula (2).

Dalzell and Donald fail to teach or suggest the photopolymerizable composition of claim 2 and the recording material of claim 11, as currently amended, having a compound of general formula (2).

Claim Rejections –35 U.S.C. §103(a) over Nagata et al in view of Steiger et al

The Examiner's Position

The Examiner has rejected claims 1-2, 5-6, 9-11, 13, 15, 17 and 19 under 35 U.S.C. 103(a) as being unpatentable over Nagata et al. (US 2002/0168494 A1) in view of Steiger et al. (US 4311786 A).

Response

Statement Concerning Common Ownership

The instant application and the Nagata patent were, at the time the invention of the instant application was made, owned by Fuji Photo Film Co., Ltd.

Amendment under 37 C.F.R. § 1.111
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As such, Applicant respectfully submits that the Nagata reference is disqualified from use in a rejection under 35 U.S.C. §103(a) against the instant application.

Because the Nagata reference is removable, Applicant respectfully submits that the rejection over Nagata in view of Steiger has been overcome.

Allowed Claims

Applicant acknowledges that claims 3, 4, 7, and 8 have been allowed.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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